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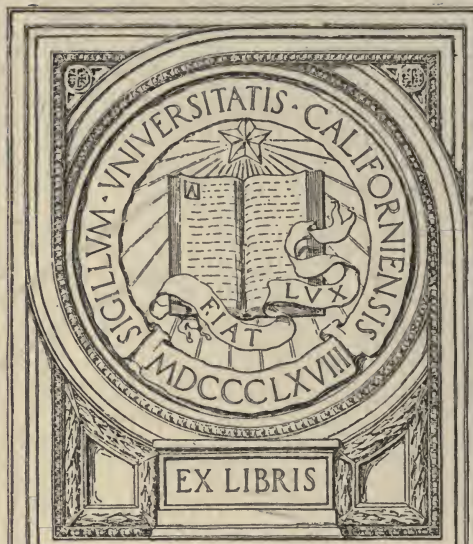

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THE WORKERS' COMPENSATION ACTS, 1916 TO 1918.

6 Geo V. No. 35 ; 7 Geo. V. No. 26 ; and 9 Geo. V. No. 21

An Act to Amend the Law with respect to Compensation to Disabled Workers.

[ASSENTED TO 5TH JANUARY, 1916.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement of Act. 5 Edw. VII. No. 26, s. 1. Va. 1914, No. 2496, s. 1.

1. (1.) This Act may be cited as "*The Workers' Compensation Act of* 1916."

(2.) This Act shall come into operation on a day to be proclaimed by the Governor in Council and published in the *Gazette*.

(3.) Such Proclamation shall not be made until the Insurance Commissioner is prepared to grant and issue accident insurance policies for the purposes of this Act.

Repeal.

2. *"*"*The Workers' Compensation Act of* 1905" and †"*The Workers' Compensation Act Amendment Act of* 1909" and ‡"*The Employers' Liability Acts,* 1886 *to* 1888," are repealed.

Any scheme of compensation approved by the Governor in Council under section twelve of *"*"*The Workers' Compensation Act of* 1905," and in respect of which a certificate under that section is in force at the commencement of this Act, shall on the commencement of this Act cease to have any force or effect, and the said certificate shall be deemed to be revoked; whereupon the provisions of the said section as to the distribution of the moneys and securities held for the purpose of the said scheme shall have effect and be observed.

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* 5 Edw. VII. No. 26.
† 9 Edw. VII. No. 16.
‡ 50 Vic. No. 24 and 52 Vic. No. 3.

Interpretation. 5 Edw. VII. No. 26, s. 2. S.A. 1911, No. 1053, s. 4. Va. 1914, No. 2496, ss. 2, 17.

3. (1.) In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Accident insurance.

"Accident insurance"—Insurance against liability in relation to workers' compensation under this Act;

Dependants.

"Dependants"—Such members of the workers' family as were wholly or in part dependent upon the earnings of the worker at the time of his death, or would but for the incapacity due to the accident have been so dependent, and as are resident in the Commonwealth of Australia, or the Dominion of New Zealand, or in any part of the dominions of the Crown to which the benefits of this Act in favour of dependants residing therein have been extended as hereinafter provided;

Where the worker being the parent or grandparent of a child born out of wedlock leaves such a child so dependent upon his earnings, or being a child born out of wedlock leaves a parent or grandparent so dependent upon his earnings, the term includes such a child born out of wedlock and parent or grandparent respectively;

Employer.

"Employer" includes persons, firms, institutions, associations, clubs, societies, companies, and corporations employing workers, and the legal personal representatives of a deceased employer: Where the services of a worker are temporarily lent or let on hire to another person by the person with whom the worker has entered into a contract of service or apprenticeship, the latter is for the purposes of this Act deemed to continue to be the employer of the worker whilst he is working for that other person;

Fund.

"Fund"—The State Accident Insurance Fund created by this Act;

"Government Department" includes any Government Department heretofore or hereafter created, and also the Commissioner for Railways and the Corporation of "The Treasurer" created under and for the purposes of the laws relating to sugar works; Government Department.

*"Industrial magistrate"—An industrial magistrate appointed under †"*The Industrial Arbitration Act of* 1916"; Industrial magistrate.

"Insurance Commissioner"—The Insurance Commissioner appointed under this Act; Insurance Commissioner.

"Insurer" means any company, firm, association, or person approved of by the Governor in Council as an insurer for the purpose of this Act; Insurer.

"Medical practitioner"—A duly qualified and registered medical practitioner; Medical practitioner.

"Medical referee"—A medical practitioner appointed under this Act to act as a medical referee; Medical referee.

"Member of a family"—Wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister: the term includes any person who stands *in loco parentis* to another person and also that other person; Member of a family.

*"Person" includes bodies corporate or unincorporate as well as individuals; Person.

"Place of employment"—The premises, works, plant, or place for the time being occupied by or under the control or management of the employer by whom the worker concerned is employed, and on or at or in connection with which the worker was working at the time of the accident; Place of employment.

"Port" includes place or harbour; Port.

*"Prescribed"—Prescribed by this Act; Prescribed.

* Definition inserted by section 2 of the Amendment Act of 1918.

† 7 Geo. V. No. 16.

Queensland ship.

"Queensland ship"—Any ship, vessel, boat, or other craft which is—

(*a*) Registered in this State; or

(*b*) Owned by a body corporate established under the laws of Queensland or having its principal office or place of business in Queensland; or in the possession of any such body corporate by virtue of a charter; or

(*c*) Owned by any person or body corporate whose chief office or place of business in respect of the management of such ship is in Queensland; or in the possession of any such person or body corporate by virtue of a charter; or

(*d*) Owned by the Crown in respect of the Government of Queensland; or in the possession of the Crown in that respect by virtue of a charter;

Regulations.

"Regulations"—Regulations made under the authority of this Act;

Seaman.

"Seaman"—A worker employed as a master, officer, seaman, apprentice, or in any other capacity whatever on board a Queensland ship by the owner or charterer thereof;

This Act.

"This Act"—This Act and all Orders in Council and regulations made thereunder;

Uninsured worker.

*"Uninsured worker"—A worker who is not insured or deemed to be insured by a policy;

Worker.

"Worker"—Any person (including a domestic servant) who has entered into or works under a contract of service or apprenticeship †or otherwise with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied or is oral or in writing: the term does not include—

(*a*) A person employed whose remuneration exceeds four hundred pounds a year; or

(*b*) A person whose employment is of a casual nature, and is not for the purposes

* Definition inserted by section 2 of the Amendment Act of 1918.

† Words "or otherwise" inserted by section 2 of the Amendment Act of 1918.

of the employer's trade or business, unless he is specially insured under or is covered by a policy of accident insurance under this Act; or

(*c*) A member of the Police Force; or

(*d*) A contributor under *"*"*The Public Service Superannuation Act of* 1912"; or

(*e*) A member of the employer's family dwelling in his house; or

†(*f*) A salesman, canvasser, collector, or any person in receipt of commission.

‡(2.) Where a contract to perform any work exceeding five pounds in value (not being work incidental to a trade or business regularly carried on by the contractor in his own name or under a firm name) is made with a contractor who—

(*a*) Neither sublets the contract nor employs wages-men; or

(*b*) Though employing wages-men, actually performs any part of the work himself,

such contractor and also such wages-men so employed shall for the purposes of this Act be deemed to be workers employed by the person who made such contract with such contractor:

Provided that such contractor and wages-men shall be deemed to be covered by the subsisting policy held by the person who made such contract:

Provided further that this subsection shall not apply to salesmen, canvassers, collectors, or any person in receipt of commission.

(3.) Every tributer working in connection with any mine, as defined by §"*The Mines Regulation Act of* 1910," and also any wages-men employed by any such tributer, shall, for the purposes of this Act, be deemed to be workers employed by the person with whom the tribute agreement was made by the tributer. Tributers.

‖(3A.) Any jockey engaged in any horse or pony race run under the management of any racing club or

* 3 Geo. V. No. 28.

† Paragraph inserted by section 2 of the Amendment Act of 1918.

‡ Original subsection repealed and new subsection inserted by section 2 of the Amendment Act of 1918.

§ 1 Geo. V. No. 24.

‖ Subsection inserted by section 2 of the Amendment Act of 1918.

association shall for the purposes of this Act be deemed to be a worker employed by such club or association.

Reference to worker, how construed.

(4.) Any reference to a worker who has been injured, where the worker is dead, includes a reference to his legal personal representative or to his dependants or other person to whom or for whose benefit compensation is payable.

Earnings and average weekly earnings. Va. 1914, No. 2496, Sch. I. 2.

(5.) For the purposes of the provisions of this Act relating to "earnings" and "average weekly earnings" of a worker, the following rules shall be observed:—

(*a*) Average weekly earnings shall be computed in such manner as is best calculated to give the rate per week at which the worker was being remunerated;

(*b*) In computing average weekly earnings there may be taken into consideration amounts paid by way of overtime, but not any sums which the employer has been accustomed to pay to the worker to cover any special expenses entailed on him by the nature of his employment;

(*c*) Where by reason of the shortness of time during which the worker has been in the employment of his employer, or the terms of the employment, it is impracticable at the date of the accident to compute the rate of remuneration, regard shall be had to the average weekly amount which, during the twelve months previous to the accident, was being earned by a person in the same grade employed at the same work by the same employer, or, if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district;

(*d*) Where the worker had entered into concurrent contracts of service with two or more employers under which he worked at one time for one such employer and at another time for another such employer, his average weekly earnings shall be computed as if his earnings under all such contracts

were earnings in the employment of the employer for whom he was working at the date of the accident.

State Accident Insurance Office. Va. 1914, No. 2496, ss. 32, 34.

4. (1.) For the purpose of enabling employers to obtain from the State policies of accident insurance and for the purpose of doing all such things as are incidental or conducive to the carrying out of accident insurance, a State Accident Insurance Office shall be constituted.

Policies of accident insurance issued by the Insurance Commissioner shall primarily be confined to liability to pay compensation under this Act: Provided that the regulations may empower the Insurance Commissioner to issue policies covering liability in relation to compensation or damages under any other Act, or at common law or otherwise, and may prescribe all such conditions and provisions as will enable the Insurance Commissioner to effectively carry out accident insurance business under such extended policies. For the purposes of this Act, all legal proceedings may be brought by or against the Insurance Commissioner in his official name.

Insurance Commissioner.

(2.) The State Accident Insurance Office shall be managed and controlled by an officer from time to time appointed by the Governor in Council, and called "The Insurance Commissioner."

Deputy Commissioner, &c.

(3.) The Governor in Council may from time to time appoint an officer, to be called "The Deputy Insurance Commissioner," who shall manage and control the office during the absence and on behalf of the Insurance Commissioner, and also during the occurrence from any cause of a vacancy in the office of such Commissioner and so long as such vacancy continues.

Officers.

(4.) The Governor in Council may also from time to time appoint or employ such other actuaries, agents, inspectors, supervisors, officers, medical practitioners, and other persons as may be necessary for the purposes of the State Accident Insurance Office.

Medical referees.

*(5.) The Governor in Council may appoint any medical practitioners to be medical referees for the purposes of this Act.

* Subsection 5 repealed and subsection 6 renumbered 5 by section 3 of the Amendment Act of 1918.

State Accident Insurance Fund.

5. (1.) There is hereby created a fund to be called the "State Accident Insurance Fund."

All premiums and other moneys received by the Insurance Commissioner under this Act shall be paid into the fund.

All payments in respect of policies or of the administration of State accident insurance business shall be payable out of the fund.

The salaries, wages, or allowances of any officers or employees of the Public Service who are employed in such business shall, if paid out of the Consolidated Revenue, be recouped from the fund.

Grant of £20,000.

(2.) There is hereby appropriated out of the Consolidated Revenue, as and by way of grant to the fund, the sum of twenty thousand pounds.

Accident policies guaranteed by State.

6. (1.) Every policy issued by or for the Insurance Commissioner shall be issued on behalf of and is hereby guaranteed by the Government of Queensland.

Payment out of Consolidated Revenue if necessary.

(2.) Such sum as the Treasurer may at any time certify to be required to secure any payment legally payable under and pursuant to a State Accident Insurance policy, so far only as the same cannot be paid out of the fund, is hereby appropriated out of the Consolidated Revenue Fund.

Recoup from Accident Insurance Fund.

Any sum so appropriated shall be deemed to be an advance to the fund, and shall remain a charge thereon, to be recouped when moneys are available.

Company, firm, &c., to carry on business of Accident Insurance.

7. (1.) The Governor in Council may approve that any company, firm, association, or person (hereinafter called "the applicant"), which or who is carrying on in Queensland at the time of the commencement of this Act, or who may hereafter carry on, the business of accident insurance, may carry on the same. Such approval shall be granted upon such applicant giving security to the Treasurer for the performance of his obligations under any contract or policy of accident insurance heretofore or hereafter to be made or issued by him.

(2.) Such security shall be given by the deposit with the Treasurer in cash of a sum of five thousand pounds or such less sum as the Treasurer may fix.

(3.) On the making of such deposit, the Governor in Council shall grant to the applicant a certificate to the effect that such deposit has been made, and that the Governor in Council has approved that the applicant may carry on in Queensland the business of accident insurance.

(4.) If the applicant at any time ceases to carry on in Queensland the business of accident insurance, and satisfies the Treasurer that he has liquidated in full all his liabilities under any policy issued by him in respect thereof, the amount of such deposit shall be returned to him.

Insurance obligatory. Va. 1914, No. 2496, s. 37.

8. It is obligatory for every employer to obtain from the Insurance Commissioner a policy of accident insurance for the full amount of the liability to pay compensation under this Act to all workers employed by him: Provided that the Insurance Commissioner may, if he thinks fit, declare by notification in the *Gazette* that it shall be obligatory for every employer to insure all persons whose employment is of a casual nature, whether the employment is for the purposes of the employer's trade or business or not.

Penalty.

Any employer who fails to comply with this section is liable to a penalty not exceeding five pounds in respect of each uninsured worker employed by him; and, after the date of any conviction for a contravention of this section, he shall from time to time be liable to further penalties not exceeding twenty pounds for every week during which he fails to comply with this section.

Remedy of Insurance Commissioner.

Moreover, upon the payment of any compensation by the Insurance Commissioner under this Act in respect of an injury to a worker who was not at the time of the accident covered or deemed to be covered by a policy of accident insurance under this Act, the full amount of compensation so paid may be recovered by the Insurance Commissioner in any court of competent jurisdiction from the employer who should have insured such worker.

Liability to compensation. Washington, c. 74 of 1911, s. 5; c. 148 of 1913.

9. (1.) Each worker who is injured by accident, whether at the place of employment or on his journey to or from such place or (being in the course of his employment or while under his employer's instructions) away from the place of employment, or his dependants in case of death of the worker, shall receive

out of the State Accident Insurance Fund compensation in accordance with this Act, and except as in this Act is otherwise provided such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

(2.) No compensation is payable under this Act in respect of any injury which does not disable the worker for a period of at least three days from earning full wages at the work at which he was employed.

West Virginia, c. 10 of 1913, s. 28.

(3.) No compensation is payable on account of any injury to or death of a worker caused by an intentional self-inflicted injury.

Application to workers in employment of Crown. S.A. 1911. No. 1053, s. 5. Va. 1914, No. 2496, s. 4.

10. This Act applies to workers employed by or under the Crown or any Government Department in all cases where this Act would apply if the employer were a private person.

Notwithstanding anything in this Act, any sum payable under this Act in respect of any claim against or premiums payable by the Crown or any Government Department may, with the authority of the Minister of the Crown administering the Department concerned, be paid out of any moneys available for the purpose or out of moneys specially appropriated by Parliament for the purpose.

Seamen.

11. This Act applies in respect of an accident happening to a seaman employed on a Queensland ship, if the accident arises in the course of his employment, and happens while the ship is in any port within Queensland or is within the territorial waters of Queensland.

Existing contracts. 5 Edw. VII. No. 26, s. 13.

12. This Act applies, notwithstanding any contract to the contrary made after the commencement of this Act.

Any contract existing at the commencement of this Act whereby a worker relinquishes any right to compensation for personal injury by accident which under this Act would entitle him to compensation shall on the commencement of this Act be determined.

Settlement of claims. Washington, c. 74 of 1911, s. 12. 5 Edw. VII. No. 26, s. 5.

13. (1.) Applications for compensation shall be allowed or rejected in the first instance by the Insurance Commissioner; but the Insurance Commissioner, on receipt of any such application, may, or any person claiming compensation who objects to the ruling

thereon of the Insurance Commissioner may, by notice in writing require the matter to be heard and determined by an industrial *magistrate, and the application shall in such case be heard and determined by such *magistrate in accordance with the regulations.

The decision of such *magistrate shall, subject to the next succeeding subsection, be final; subject to the regulations the costs of the proceedings shall be in his discretion.

(2.) Either party to the proceedings before such *magistrate may appeal from his decision on any point of law.

Such appeal shall be made to the Supreme Court by way of special case in manner provided by †"*The Justices Acts, 1886 to 1909*," with respect to appeals from the decisions of justices, and the provisions of those Acts relating to such appeals shall, *mutatis mutandis,* apply to appeals under this section:

Provided that the Court shall decide the points of law so raised without argument, and neither party shall appear or be represented before the Court. Subject to the regulations, the costs of appeal shall be in the discretion of the Court.

Amount of compensation where death results from injury. 5 Edw. VII. No. 26, Sch. I. 9 Edw. VII. No. 16, s 2. Va. 1914, No. 2496, Sched. I. 1.

14. (1.) ‡Except in the case of compensation under section 14B hereof, the amount of compensation under this Act shall be—

(A) Where death results from the injury—

(i.) If the worker leaves any dependants wholly dependent upon his earnings at the time of his death, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of three hundred pounds, whichever of those sums is the larger, but not exceeding in any case six hundred pounds:

Provided that—

The amount of any weekly payments made under this Act and any lump sum in redemption thereof shall be deducted from such sum; and

* Word "magistrate" substituted for "referee" by section 4 of the Amendment Act of 1918.

† 50 Vic. No. 17 and amending Acts.

‡ Words from "Except" to "hereof" inserted by section 2 of the Amendment Act of 1916.

If the period of the worker's employment under the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be one hundred and fifty-six times his average weekly earnings during the period of his actual employment under the said employer;

(ii.) If the worker does not leave any such dependants, but leaves any dependants in part dependent upon his earnings at the time of his death, such sum, not exceeding in any case the amount payable under the foregoing provisions, as is reasonable and proportionate to the injury to the said dependants; and

(iii.) If he leaves no dependants, the reasonable expenses of his medical attendance and burial not exceeding fifty pounds.

Amount of compensation where total or partial incapacity results from injury.

(B) Where total or partial incapacity for work results from the injury—

A weekly payment during the incapacity not exceeding fifty per centum of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, but such weekly payment shall not exceed two pounds, and the total liability in respect thereof shall not exceed seven hundred and fifty pounds:

Provided that when fifty per centum of such average weekly earnings is less than two pounds the weekly payment to a worker may be increased to any sum not exceeding the full amount of such average weekly earnings, but not in any case exceeding two

pounds per week, if the Insurance Commissioner or industrial *magistrate thinks proper under the circumstances:

Provided further that in no case shall an adult worker be entitled to receive during total incapacity a less sum per week than one pound, †unless such worker was at the date of the accident in receipt of the Commonwealth old age pension or invalidity allowance, in which case the amount payable shall be ten shillings per week.

‡(C.) (*a*) Notwithstanding the foregoing provisions, the compensation payable for the injuries mentioned in the first column of the table hereunder set forth shall be the amounts indicated in the second column of that table.

(*b*) Nothing in the said table shall limit the amount of compensation payable for any such injury during any period of total incapacity resulting from that injury, but any sum so paid shall be deducted from the compensation payable in accordance with the said table.

(*c*) Clause nineteen of the Schedule to this Act shall not apply to any payment made under this provision: Provided that any such payment may, by agreement or by order of an industrial magistrate, be invested or otherwise applied for the benefit of the person entitled thereto.

(*d*) For the purposes of this provision, an eye or foot or other member shall be deemed to be lost if it is rendered permanently and wholly useless.

(*e*) Where a worker suffers by the same accident more than one of the injuries mentioned in the said table, he shall not be entitled in any case to receive more than seven hundred and fifty pounds.

* Word "magistrate" substituted for "referee" by section 5 of the Amendment Act of 1918.

† Words from "unless" to "week" inserted by section 5 of the Amendment Act of 1918.

‡ Provisions to end of subsection inserted by section 5 of the Amendment Act of 1918.

Workers' Compensation Acts (Consolidated).

Table.

Nature of Injury.	Amount Payable. £	s.	d.
Loss of both eyes	750	0	0
Loss of an only eye	750	0	0
Loss of both hands	750	0	0
Loss of both feet	750	0	0
Loss of a hand and a foot	750	0	0
Total and incurable loss of mental powers involving inability to work	750	0	0
Total and incurable paralysis of the limbs or of mental powers	750	0	0
Total loss of the right arm or of the greater part of the arm	600	0	0
Total loss of the left arm or of the greater part of the arm	562	10	0
Total loss of the right hand or of five fingers of the right hand or of the lower part of the right arm	525	0	0
Total loss of the same for the left hand and arm	487	10	0
Total loss of a leg	562	10	0
Total loss of a foot or the lower part of the leg	450	0	0
Total loss of the sight of one eye, together with the serious diminution of the sight of the other eye	562	10	0
Total loss of hearing	375	0	0
Complete deafness of one ear	75	0	0
Total loss of the sight of one eye	300	0	0
Total loss of the thumb of the right hand	225	0	0
Total loss of the thumb of the left hand	187	10	0
Total loss of the forefinger of the right hand	150	0	0
Total loss of the forefinger of the left hand	112	10	0
Total loss of a joint of the thumb	112	10	0
Total loss of the little finger of the hand	90	0	0
Total loss of the middle or ring finger of the hand	60	0	0
Total loss of the great toe of either foot	150	0	0
Total loss of a joint of the great toe of either foot	75	0	0
Total loss of any other toe or of a joint of a finger	37	10	0

The Governor in Council may from time to time, by Order in Council published in the *Gazette,* add to this table by assigning specified amounts of compensation respectively payable for specified additional injuries; and the table in force for the time being as so added to shall be deemed to be the table referred to in this provision.

Provision as to seamen. Va. 1914, No. 2496, s. 17.

(2.) The following provisions apply to seamen:—

Where no dependants.

(i.) In the case of the death of a seaman leaving no dependants, no compensation is payable if the owner or charterer of the ship is, under any Act in force in Queensland, liable to pay the expenses of burial.

(ii.) No weekly payments are payable in respect of any period during which such owner or charterer is, under any other Act in force in Queensland, liable to defray the expenses of maintenance of an injured seaman. Weekly payments.

(iii.) Compensation shall be paid in full in all cases notwithstanding any limitation of liability in any other law. Compensation to be paid in full.

*14A. Subject to this Act, where a worker at the date of death or incapacity— Compensation on workers dying from or affected by certain industrial diseases.

(*a*) Has, whether before or after the first day of July, one thousand nine hundred and seventeen, or partly before and partly after that date, been continuously resident in Queensland for at least one year; and

(*b*) Was employed in any employment mentioned in the second column of the table of industrial diseases hereunder set forth;

and such worker—

(*c*) Has died in consequence of any disease mentioned in the first column of the said table; or

(*d*) Is suffering from any such disease, and is thereby incapacitated from earning full wages at the work at which he was employed,

the worker, or in the case of death his dependants, shall be entitled to compensation in accordance with this Act as if the disease were a personal injury by accident suffered by the worker at the place of employment under section nine of this Act:—

†*Table of Industrial Diseases.*

Description of Disease.	Description of Employment.
Arsenic, phosphorus, lead, mercury, copper, zinc, or other mineral poisoning and their sequelæ	Any employment involving the use or handling of arsenic, phosphorus, lead, mercury, copper, zinc, or other mineral or their preparations or compounds.
Anthrax	Wool-combing; wool-sorting; handling of hides, skins, wool, hair, bristles, or carcasses.
Septic poisoning	Any work involving the handling of meat or the manufacture of meat products or animal by-products.

* Section inserted by section 3 of the Amendment Act of 1916.

† Original table repealed and new table inserted by section 6 of the Amendment Act of 1918.

The list of diseases and employments mentioned in this table may from time to time be amended or added to by the Governor in Council by Order in Council published in the *Gazette*; and the table in force for the time being, as so amended, shall be deemed to be the table referred to in this section.

Compensation on workers dying or affected by mining diseases.

*14B. (1.) Subject to this Act, where a worker has, on or after the first day of January, one thousand nine hundred and sixteen, been employed in Queensland in any employment mentioned in the second column of the table of mining diseases hereunder set forth and such worker at the date of death or incapacity—

(*a*) Has been continuously resident in Queensland during the five years immediately preceding the date of death or incapacity, and has been employed in any employment as aforesaid for not less than three hundred days during such period of five years; or

(*b*) Has been resident in Queensland for not less than five years out of the seven years immediately preceding the date of death or incapacity, and has been employed in any employment as aforesaid for not less than five hundred days during such period of seven years;

and such worker—

(*c*) Has died in consequence of any disease mentioned in the first column of the said table, or

(*d*) Is suffering from any such disease and is thereby incapacitated from earning full wages at the work at which he was employed,

the worker, or in the case of death his dependants, shall be entitled to compensation in accordance with this Act as if the disease were a personal injury by accident suffered by the worker at the place of employment under section nine of this Act; but the amount of compensation payable in such case shall be the amount calculated in accordance with subsection two of this

* Section inserted by section 3 of the Amendment Act of 1916, and printed as amended by section 7 of the Amendment Act of 1918, which to the extent mentioned is given retrospective operation.

section in lieu of the amount set forth in section fourteen of this Act: provided that any amount already paid to or for the benefit of such worker or to or for the benefit of his wife or children, and whether by the Insurance Commissioner or by the Home Department, shall be deducted from the total amount payable as compensation under this Act:—

Table of Mining Diseases.

Description of Disease.	Description of Employment.
Silicosis of the lungs; Miner's Phthisis; Pneumoconiosis	Mining, or Quarrying, or Stone crushing or cutting.
Ankylostomiasis	
Nystagmus	
Subcutaneous cellulitis of the hand (beat hand)	
Subcutaneous cellulitis over the patella (miner's beat knee)	
Acute bursitis over the elbow (miner's beat elbow)	
Inflammation of the synovial lining of the wrist joint and tendon sheaths	
Miners' itch	
Copper itch	
Dermatitis caused by working in mineralised or acid water	
Caisson disease	

The list of diseases and employments mentioned in this table may from time to time be amended or added to by the Governor in Council by Order in Council published in the *Gazette*; and the table in force for the time being, as so amended, shall be deemed to be the table referred to in this section.

(2.) The amount of compensation under subsection one of this section shall be—

A. Where death is the result—

(i.) A funeral allowance not exceeding twenty pounds; and

(ii.) To the widow of the deceased worker the sum of one pound per week; and

(iii.) For each child under fourteen years of age the sum of ten shillings per week until the age of fourteen years is reached:

Provided that the total amount payable shall not exceed fifty shillings per week or the sum of four hundred pounds in all, less any amount paid as compensation under provision B hereof during the incapacity of the worker within ten years prior to the date of death.

B. Where total or partial incapacity for work is the result—

(i.) To the worker a sum not exceeding one pound per week during the incapacity, with such necessary medical comforts and medicines as the Commissioner may consider reasonable; and

(ii.) For each child under the age of fourteen years a sum not exceeding ten shillings per week during the incapacity of the worker or until the age of fourteen is reached:

Provided that the total amount payable to any worker and his dependants shall not exceed fifty shillings per week or the sum of four hundred pounds in all, irrespective of the period during which the incapacity continues.

(3.) Where a medical practitioner (or, on appeal, a medical referee) certifies that the worker's condition is capable of cure or mitigation by special hospital or sanatorium treatment, the Commissioner, in lieu of paying to the worker the compensation provided in provision B (i.) above, may arrange for the worker to be removed to a hospital or sanatorium for such special treatment.

(3A.) Subject to paragraphs (*a*) and (*b*) of subsection one hereof, where a medical practitioner certifies that a worker is suffering from silicosis of the lungs, miners' phthisis, or pneumoconiosis, and his certificate is confirmed by a medical referee—

(*a*) In case of death, after holding a *post-mortem* examination of the deceased;

(*b*) In case of incapacity, after a personal examination of the applicant and microscopical and bacteriological examinations of his sputum;

compensation shall be payable in accordance with this section.

(4.) Clause nineteen of the Schedule to this Act shall not apply so as to compel the Insurance Commissioner to redeem by a lump sum any weekly payments of compensation under this section.

(5.) At any time after five years from the first day of July, one thousand nine hundred and seventeen, the Governor in Council, by Order in Council published in the *Gazette,* may increase the scale of compensation set forth in subsection two of this section to such extent as he thinks proper, not exceeding the amount of compensation provided in section fourteen of this Act for cases of death or disablement by accident.

(6.) Subject to the next succeeding provision, payments of compensation under this section shall be made out of the Fund:

Provided that during the period of five years commencing the first day of July, one thousand nine hundred and eighteen, an amount in each year equal to one-third of the total cost of compensation under this section in respect of claims arising during each year and one-third of the annual cost of administration of the provisions of this section, to be apportioned and certified to by the Insurance Commissioner, shall be paid out of and borne by the ordinary Workers' Compensation Account of the Fund in aid of the Miners' Phthisis Account of the Fund. But the total amount so to be paid out of the ordinary Workers' Compensation Account of the Fund in each of the years 1918-19 and 1919-20 shall not exceed ten thousand pounds annually, and in each of the years 1920-21, 1921-22, and 1922-23 shall not exceed five thousand pounds annually, unless the Governor in Council in respect of any such year directs that a larger amount than ten thousand pounds or five thousand pounds, as the case may be, shall be so paid and borne.

(7.) The Insurance Commissioner may, after the first day of July, one thousand nine hundred and seventeen, charge such additional premiums on State accident insurance policies issued under this Act to employers in the employments mentioned in the second column of the table in subsection one hereof as he may find necessary towards providing the compensation payable under this section and the cost of administration of the provisions thereof, after crediting the Miners' Phthisis Account of the Fund with the amount contributed thereto, during the years mentioned in the last preceding subsection hereof, out of the ordinary Workers' Compensation Account of the Fund as provided by the said subsection.

(8.) A worker coming to Queensland on or after the first day of October, one thousand nine hundred and eighteen, shall not be entitled to benefit under this section of this Act until he has lodged with the Insurance Commissioner a certificate from a medical referee appointed under this Act certifying him to be free from pulmonary tuberculosis and from all the diseases mentioned in the first column of the above table.

Saving.

*14C. Nothing in section 14A or section 14B of this Act shall affect the rights of a worker to receive compensation in respect of a disease to which those sections do not apply if such disease is a personal injury by accident within the meaning of section nine of this Act.

Procedure, &c. Schedule.

15. The provisions set forth in the Schedule to this Act shall be applicable to the business of State accident insurance and to proceedings for and consequent upon the recovery of compensation under this Act.

Such provisions may from time to time be amended or added to by the Governor in Council by Order in Council published in the *Gazette*.

Any such Order in Council shall be laid before both Houses of Parliament.

If either House of Parliament within the next forty days after any such Order in Council has been laid before such House resolves that such Order in Council ought to be annulled, the same shall, after the date of such resolution, be of no effect.

* Section inserted by section 3 of the Amendment Act of 1916

When worker may take independent proceedings. 5 Edw. VII. No. 26, s. 6. Va. 1914, No. 2496, s. 5.

16. (1.) Nothing in this Act shall affect any civil liability of the employer when the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, or was such as to give a right to recover compensation under the laws relating to mining.

In such case the worker may at his option either obtain compensation under this Act or take proceedings independently of this Act, but the worker is not entitled to compensation under this Act if he has obtained judgment against the employer independently of this Act.

(2.) If compensation has already been recovered by the claimant in respect of the injury under any law of the United Kingdom, or of the Commonwealth of Australia, or of any other part of His Majesty's dominions, compensation under this Act shall not be allowed to the claimant.

No person having a right to such a claim under any such law shall apply for compensation under this Act, unless he makes a statutory declaration that he has not claimed, and covenants with the Insurance Commissioner that he will not claim, compensation for the injury under any such law.

Deductions from wages, &c., forbidden. 5 Edw. VII. No. 26, s. 14.

17. It is not lawful for any employer or any person on his behalf to directly or indirectly take or receive any money from any worker, whether by way of deduction from wages or otherwise howsoever, in respect of any liability under this Act or to pay damages independently of this Act.

All money so taken or received as aforesaid from any worker, whether with the consent of such worker or not, may by him be recovered as a debt from the employer, or person who took or received it.

Reciprocal application of Act outside Queensland. N.Z., 1908, No. 248, s. 53.

18. Where the Governor in Council is satisfied that by the laws of any other country within the dominions of the Crown outside the Commonwealth of Australia and the Dominion of New Zealand compensation for accidents is payable to the relatives of a deceased worker, although they are resident in Queensland, he may, by Order in Council, declare that dependants resident in that country shall have the same rights and remedies under this Act as if resident in Queensland.

Jurisdiction of justices.

19. (1.) Complaints for offences against or for failure to comply with this Act shall be heard and determined in a summary way under *"*"*The Justices Acts,* 1886 *to* 1909."

Appropriation of penalties.

(2.) All penalties recovered under this Act shall be paid into the Fund.

(3.) Any such complaint may be instituted by the Insurance Commissioner within six months after the fact of the commission of the offence against or failure of compliance with this Act came to the knowledge of the Insurance Commissioner.

Regulations. 5 Edw. VII. No. 26, s. 14.

20. (1.) The Governor in Council may from time to time make all such regulations as he deems necessary or convenient in order to give full effect to the provisions and intention of this Act.

(2.) Without limiting the generality of the foregoing provision, such regulations may—

(i.) Direct the use of tables fixing and, if necessary, varying the rates of premium to be charged in connection with State accident insurance contracts, and provide special rates for workers specially liable to accident by reason of their age or any physical or mental infirmity or incapacity, or for workers in some particular occupation where the risk in the individual case is greater than that usually involved in such occupation: Provided that the Insurance Commissioner may fix the premium in the case of any such accident insurance contract not provided for in the said tables;

(ii.) Prescribe conditions or provisions to be contained or implied in State accident insurance contracts, and define the nature and extent of the risks to be covered by such contracts;

(iii.) Prescribe bases for the fixing of compensation where practicable, taking age, debility, infirmity, or any other factor into consideration;

(iv.) Provide generally for the proper conduct of State accident insurance business;

* 50 Vic. No. 17 and amending Acts.

(v.) Prescribe the duties of and fees to be paid to medical referees and other medical practitioners under this Act;

(vi.) Empower the Insurance Commissioner—

(*a*) To review and, if he deems it just, to reduce the charges made by any medical practitioner or other person in respect of medical or surgical attendance on or treatment of injured workers;

(*b*) To enter into arrangements or agreements with medical practitioners and hospitals or other institutions for providing medical and surgical attendance, treatment, and aid to injured workers out of the compensation payable to such workers;

(vii.) Require insurance companies which at the passing of this Act are carrying on in Queensland the business of accident insurance to furnish to the Insurance Commissioner such returns as may be prescribed relating to the business of accident insurance;

(viii.) Limit the amount of costs recoverable in proceedings under this Act; prescribe the method of recovery of costs.

The regulations may impose a penalty not exceeding twenty pounds for any breach thereof.

Any such regulations may provide that the same shall come into force immediately on the publication thereof, notwithstanding that this Act has not been proclaimed to be in operation.

(3.) Regulations *or Orders in Council made in pursuance of this Act shall be published in the *Gazette*, and shall thereupon be read as one with this Act and be of equal validity.

Any such regulations *or Orders in Council shall be laid before both Houses of Parliament.

If either House of Parliament, within the next forty days after any regulations *or Orders in Council have been so laid before such House, resolves that such regulations *or Orders in Council or any of them ought to be annulled, the same shall, after the date of such resolution, be of no effect.

* Words "or Orders in Council" inserted by section 8 of the Amendment Act of 1918.

SCHEDULE.

PROVISIONS RELATING TO THE BUSINESS OF STATE ACCIDENT INSURANCE, AND TO PROCEEDINGS FOR THE RECOVERY OF AND CONSEQUENT ON THE RECOVERY OF COMPENSATION.

Delegation by Commissioner. Va. 1914, No. 2496, ss. 32 to 36.

1. The Insurance Commissioner may from time to time, by writing under his hand, delegate to the Deputy Insurance Commissioner, or to any officer appointed to assist him, any of the powers, functions, or duties imposed or conferred on the Insurance Commissioner by this Act.

Appropriation of surplus.

2. (1.) Where at the end of any financial year a surplus remains in the fund after providing for all liabilities, it shall be dealt with as provided in this section.

(2.) Such portion as the Insurance Commissioner and the Auditor-General deem advisable shall be carried to a reserve fund, which shall be invested in securities of the Government of Queensland.

(3.) The investment in such securities shall in every case be made through the Treasurer at par; and the redemption of the securities, whether at maturity of the loan or before that date, shall be at par.

(4.) Any balance of the said surplus may be dealt with as the Governor in Council may direct.

Annual balance-sheet.

3.* (1.) The Insurance Commissioner shall, not later than the month of October in each year, prepare and transmit to the Attorney-General or Minister of Justice a balance-sheet and statement of accounts, setting forth a true statement of the financial position and the transactions of the State Accident Insurance Office for the preceding financial year, audited by the Auditor-General; and a copy of such balance-sheet and statement shall be laid before each House of Parliament as soon as practicable.

The Auditor-General shall have, in respect of such balance-sheet and statement, all the powers conferred upon him by any Act relating to the auditing of the public accounts.

(2.) The balance-sheet shall—

(*a*) Show a profit and loss account;

(*b*) Be in the form prescribed by the Auditor-General;

(*c*) Show separately what sums (if any) have been paid or set aside for or towards interest, reserve fund, outstanding claims, and unearned premiums.

Official secrecy.

†**3A.** Every member of the staff of the Insurance Commissioner shall be bound to secrecy by declaration in the prescribed form.

Application for compensation. Washington, c. 74 of 1911, s. 12.

4. (1.) The person entitled to compensation under this Act or some person on his behalf shall file with the clerk of petty sessions an application for compensation in accordance with the regulations

* Printed as amended by section 9 of the Amendment Act of 1918.

† Inserted by section 3 of the Amendment Act of 1918.

together with a certificate of the medical practitioner, if any, who attended the worker, and such proof or other particulars required by the regulations.

The clerk of petty sessions shall, as soon as practicable, forward all documents in connection with each application to the Insurance Commissioner with a report thereon:

Provided that in the case of an injury to a seaman not resulting in death the application may be filed with the clerk of petty sessions of the district in which the seaman is during his incapacity, and in case of the death of a seaman by accident the application may be filed with the clerk of petty sessions of the petty sessions district in which the dependants are living.

(2.) No application shall be valid or claim thereunder enforceable unless filed within six months after the day upon which the injury incurred or the right to compensation accrued. But this provision may be waived by the Insurance Commissioner if he is satisfied that failure to make application was due to mistake, absence from Queensland, or other reasonable cause.

Duty of employer.

5. Whenever any accident occurs to any worker it shall be the duty of the employer forthwith to report particulars of such accident and the injury resulting therefrom to the proper clerk of petty sessions.

Such report shall state—

(i.) The time, cause, and nature of the accident and injury, and the probable duration of the injury resulting therefrom;

(ii.) Whether the accident arose in the course of the injured person's employment;

(iii.) Any other matters prescribed by the regulations.

Any employer who has not complied with this provision within thirty days after the happening of an accident shall, unless he furnishes to the adjudicating court a reasonable excuse for such failure, be liable to a penalty not exceeding thirty pounds.

Medical examination. Washington, c. 74 of 1911, s. 13.

6. Any worker applying for or in receipt of compensation under this Act is required, if requested by the Insurance Commissioner or the clerk of petty sessions, to submit himself for medical examination at a time and from time to time at a place reasonably convenient for the worker and as may be prescribed by the regulations.

If the worker refuses to submit to any such examination or obstructs the same his right to weekly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or on account of such period.

Public curator may act for claimants on request.

7. Upon the request of any applicant for compensation under this Act, made in the prescribed manner to the curator of intestate estates or to a public curator appointed under any Act, he may make and prosecute any application for compensation under this Act and otherwise act for and on behalf of such claimant for any of the purposes of this Act. When so acting he shall be entitled

to claim and receive such fees and charges as may be prescribed under this Act, or in the case of a public curator under the Act creating his office.

Advances on account.

8. If the Insurance Commissioner is satisfied that an application for compensation is well founded, he may, in his discretion, before the amount of compensation is fixed, or pending any appeal as to the amount thereof, from time to time advance to the worker such sum or sums on account of compensation as he thinks proper under the circumstances.

9 and **10.***

Weekly payment may be reviewed. Va. 1914, No. 2496, Sch. I. 15.

11. Any weekly payment may be reviewed by an industrial †magistrate at the request either of the Insurance Commissioner or of the worker, and on such review may be ended, diminished, or increased, subject to the maximum herein prescribed:

Provided that where the worker was at the date of the accident under twenty-one years of age, and the review takes place more than twelve months after the accident, the amount of the future weekly payment may be increased to any amount not exceeding fifty per centum of the weekly sum which the worker would probably have been earning at the date of the review if he had remained uninjured, but not in any case exceeding two pounds.

Total and partial dependants. Va. 1914, No. 2496, Sch. I. 8.

12. Where there are both total and partial dependants, nothing in this Act shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

Medical referee.

13. Where a worker has, under clause 6 of this Schedule, submitted himself for examination by a medical practitioner, and the Insurance Commissioner has, within six days after such examination, furnished the worker with a copy of the report of that practitioner as to his condition, then, in the event of no agreement being come to between the Insurance Commissioner and the worker as to the worker's condition or fitness for employment, on application being made by either party to the clerk of petty sessions and in either case on payment by the applicant of such fee as may be fixed, not exceeding the limit prescribed by the regulations, the clerk of petty sessions shall refer the matter to a medical referee.

Such medical referee shall, in accordance with the regulations, give a certificate as to the condition of the worker and his fitness for employment, specifying, where necessary, the kind of employment for which he is fit; and that certificate shall be conclusive evidence as to the matter so certified.

If a worker, on being required so to do, refuses to submit himself for examination by such medical referee, or in any way obstructs the same, his right to compensation and to take or prosecute any proceeding under this Act in relation to compensation, or in the case of a worker in receipt of a weekly payment his right to that weekly payment, shall be suspended until such examination has taken place.

* Clauses 9 and 10 repealed by section 9 of the Amendment Act of 1918.

† Word "magistrate" substituted for "referee" by section 9 of the Amendment Act of 1918.

The regulations may prescribe the manner in which documents are to be furnished or served and applications made under this paragraph, and the forms to be used for those purposes, and as to the fee to be paid under this clause.

Who may act as medical referee.

14. A medical referee who has been employed as a medical practitioner in connection with any particular case by or on behalf of a worker or by the Insurance Commissioner shall not act as medical referee in that case.

To whom payment made in case of death. Va. 1914, No 2496, Sch. I. 5.

15. In case of death, the payment shall be made to the legal personal representative of the worker, or, if he has no legal personal representative, to or for the benefit of his dependants, or, if he leaves no dependants, to the person to whom the expenses are due; and, if made to the legal personal representative, shall be paid by him to or for the benefit of the dependants or other persons entitled thereto under this Act.

Investment of compensation.

16. The sum allotted as compensation to a dependant may be invested or otherwise applied for the benefit of the person entitled thereto as agreed, or, in default of agreement, as ordered by an industrial *magistrate upon the request of the Insurance Commissioner.

Misconduct of worker.

17. Where it appears to an industrial *magistrate upon a reference by the Insurance Commissioner that a worker to whom any sum is payable under this Act ought, on account of drunkenness, neglect of wife or children or other relatives, or other sufficient misconduct on his part, to be deprived of the whole or any part of any such sum or that the terms on which, or the manner in which, any such sum is payable to him ought to be varied, such *magistrate may order such deprivation or variation, and may, on application being made in accordance with the regulations, make such further order for the payment of the sum of which the worker has been deprived, to or for the benefit of any member or members of his family, as in the circumstances of the case he thinks just.

Remarriage or misconduct of widow. Va. 1914, No. 2496, Sch. I. 9.

18. Where it appears to an industrial *magistrate upon a reference by the Insurance Commissioner that a widow to whom any sum is payable under this Act, whether by way of an annuity or as instalments or otherwise, ought, on account of her remarriage, or on account of drunkenness, neglect of children, or other sufficient misconduct on her part, to be deprived of the whole or any part of any such sums, or that the terms on which, or the manner in which, any such sums are payable to the widow ought to be varied, such *magistrate may order such deprivation or variation, and may, on application being made in accordance with the regulations, make such further order, for the payment of the sums of which the widow has been deprived, to or for the benefit of other dependants, as in the circumstances of the case he thinks just.

Payment of lump sum. Va. 1914, No. 2496, Sch. I. 16.

19. The liability for weekly payments of compensation may at any time be redeemed by the payment of a lump sum to be agreed on by the worker and the Insurance Commissioner, or, failing agreement, to be fixed by an industrial *magistrate at the request of either of them.

* Word "magistrate" substituted for "referee" by section 9 of the Amendment Act of 1918.

Such lump sum may by agreement or by order of such *magistrate be invested or otherwise applied for the benefit of the person entitled thereto.

Any such lump sum may, within twelve months after it has been agreed on or fixed, be reviewed by an industrial *magistrate at the request of either the Insurance Commissioner or of the worker, and on such review may be diminished or increased subject to the maximum herein prescribed.

Payments to minors.

20. When payment of any moneys under this Act is made to any person under twenty-one years of age, whether such person claims as a worker, dependant, or legal personal representative, the receipt of such person therefor shall be a good and valid discharge in law; and such person (notwithstanding minority) may agree with the Insurance Commissioner upon the amount of compensation payable.

Suspension of payment. Va. 1914, No. 2496, Sch. I. 18.

21. Where under this Act a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension.

Worker ceasing to reside in Commonwealth. No. 2496, Sch. I. 17.

22. If a worker receiving a weekly payment ceases to reside in the Commonwealth or New Zealand he shall thereupon cease to be entitled to receive any weekly payment.

But if he proves that the incapacity resulting from the injury is of a permanent nature he shall be entitled to a lump sum not exceeding one hundred and fifty-six times the amount of weekly payment less all payments theretofore paid.

Any question arising under this clause shall, in default of agreement, be determined by an industrial *magistrate at the request of the worker or the Insurance Commissioner.

When action wrongly brought independently of Act. 5 Edw. VII. No. 26, s. 7. S.A. 1911, No. 1053, s. 6 (4). Va. 1914, No. 2496, s. 12.

23. (1.) If, within the time limited by this Act for making application for compensation, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that there is a liability to pay compensation under this Act, the action shall be dismissed.

But the adjudicating court shall, unless the plaintiff objects, proceed to assess such compensation, and shall, unless good cause to the contrary is shown, deduct from such compensation all the costs which in its opinion have been caused by the plaintiff bringing such action instead of making an application under this Act, and shall enter judgment accordingly.

* Word "magistrate" substituted for "referee" by section 9 of the Amendment Act of 1918.

In any proceeding under this subclause when the court assesses the compensation, it shall give a certificate for the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall be binding upon the Insurance Commissioner, and the compensation so awarded shall be payable out of the State Insurance Fund.

(2.) Subject to this Act, if it is determined in any proceedings under this Act that the injury is one for which compensation is not payable under this Act, such determination shall not prevent an action being brought in respect of such injury independently of this Act, and the court in which such action is tried may deduct from any damages awarded by such court all or part of the costs which, in its opinion, have been caused by the plaintiff having brought the unsuccessful proceedings under this Act.

Recovery of damages from stranger. 5 Edw. VII. No. 26, s. 8. Va. 1914, No. 2496, s. 16.

24. When the injury for which compensation is payable by the Insurance Commissioner under this Act was caused under circumstances creating also a legal liability in some other person to pay damages in respect thereof—

(i.) The worker may both take proceedings against that person to recover damages and may apply for compensation under this Act, but is not entitled to recover both damages and compensation; and

(ii.) If the worker has recovered compensation under this Act, the Insurance Commissioner shall be entitled to be indemnified by the person so liable to pay damages as aforesaid, and all questions as to the right to and amount of any such indemnity shall in default of agreement be settled by action or, if the parties consent, by an industrial referee under this Act.

Contracting or sub-contracting. 5 Edw. VII. No. 26, s. 10.

25. Where any person (herein called the "principal") contracts with any other person (herein called the "contractor") for the execution of any work by or under the contractor, and the contractor employs any worker thereon, the following provisions shall apply:—

(i.) Both the principal and the contractor shall be deemed to be employers of the worker.

(ii.) In the case of sub-contracts, the expression "principal" shall extend to and include not only the original principal, but also each contractor who constitutes himself a principal with respect to a sub-contractor by contracting with him for the execution by him of the whole or any part of the work; and the expression "contractor" shall extend to and include not only the original contractor, but also each sub-contractor.

(iii.) The regulations may declare the conditions under which any right of indemnity shall exist and be enforceable by and between any of the aforesaid persons, and may also prescribe the person or persons against whom the Insurance Commissioner is entitled to recover any penalty or any moneys under the circumstances aforesaid.

Compensation not assignable. Va. 1914, No. 2496, s. 9.

26. No money paid or payable in respect of compensation under this Act shall be capable of being assigned, charged, taken in execution, or attached, nor shall the same pass to any other person by operation of law, or otherwise howsoever, nor shall any claim be set off against the same.

Malingering an offence. Va. 1914, No. 2496.

27. Any person who attempts by malingering to obtain any benefit under this Act shall be liable to a penalty not exceeding twenty pounds or two months' imprisonment.

Meaning of term "clerk of petty sessions." Va. 1914, No. 2496, Sch. II. 8.

28. Where in this Act any reference is made to a clerk of petty sessions, then, unless the contrary intention appears, the clerk of petty sessions referred to shall, subject to the regulations, be taken to mean the clerk of petty sessions of the district in which the accident happened, without prejudice to any transfer in manner provided by the regulations:

Provided that the Governor in Council may appoint any State officer to carry out, within a prescribed locality, the powers and duties assigned by this Act to a clerk of petty sessions, and in that case such officer shall be deemed to be the clerk of petty sessions of the district within the meaning and for the purposes of this Act.

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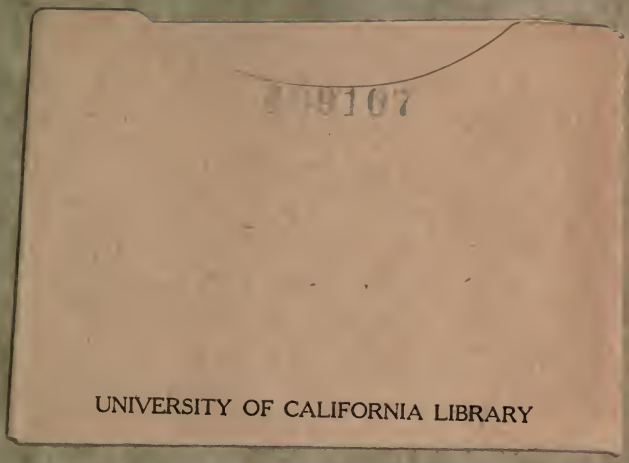
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